IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 35943 of 2007(D)

CRRP.62/2007 of II ADDL. DISTRICT COURT, TRIVANDRUM
MC.418/2006 of SUB DVL.MAGI.COURT,TRIVANDRUM

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PETITIONER:

PRASANNA KUMARI,
AMBIKA VILAS, T.C.1/81, PANAYIL LANE,
PLRA-12, KUMARAPURAM.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.SHAJIN S.HAMEED

RESPONDENTS:
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1. THANKAMMA,
HOUSE NO.6, JAI NAGAR, SOUTH CHERUVAKKAL.

2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.35943 of 2007

Dated this the 5th day of December 2007

J U D G M E N T

The short grievance of the petitioner is that Crl.R.P.No.62/07 pending before the II Additional District and Sessions Judge, Thiruvananthapuram is not being disposed of by the learned Assistant Sessions Judge. According to the petitioner, the same deserves to be taken up out of turn and expeditiously as proceedings in M.C.No.418/06 is pending before the Sub Divisional Magistrate, Thiruvananthapuram without any further action taken on account of the stay granted in the Crl.R.P. The petitioner has a further contention that the Crl.R.P is not maintainable and hearing on maintainability is likely to see the end of the Crl.R.P.

2. Be that as it may, the question to the learned counsel for the petitioner is whether the petitioner has moved the learned II Additional District and Sessions Judge, Thiruvananthapuram for an out of turn expeditious disposal of the case. That has not been done admittedly. Without and before taking the primary step which ought to have been taken,

the petitioner has unnecessarily rushed to this court. I am certainly not satisfied that this writ petition deserves to be entertained here before the petitioner exhausts the primary remedy available to him.

3. This writ petition is accordingly dismissed but I may hasten to observe that the petitioner shall be at liberty to move the learned Sessions Judge for an out of turn expeditious disposal of the case which prayer, I find, is certainly justified. The learned Sessions Judge must pass appropriate orders expeditiously on such application.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007